



Muscogee (Creek) Nation

TERO - Tribal Employment Rights Office

P.O. Box 580, Hwy 75 & Loop 56

Okmulgee, OK 74447

918.549.2963

fax: 918.549.2969

Utilization Plan

Any contractor/subcontractor not submitting an acceptable plan may be denied the right to commence or continue business within the boundaries of the Muscogee (Creek) Nation.

PROJECT:

Name:	Date:
Location:	
Contract Amount: \$	
Contracting Agency/Contracting Officer:	
Scope of work to be performed:	

COMPANY:

Name of Company signing this Utilization Plan:		
Is your company certified as Indian Owned?	Yes	No
Is your company affiliated with a Union?	Yes	No
If so, please list:		

Key Personnel Clearance Request for TERO's Approval



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Key Personnel Rule

Prior to award and prior to commencing work, the apparent low bidder shall identify their key personnel employees. Such employees may be employed on the project whether or not they are Indian without being fined. A key personnel employee is one who; (a) is and has been on the employers or subcontractors annual payroll for no less than one year, (*the fact that an employee has worked for the employer on a previous project shall not qualify that employee as a key personnel employee*), (b) is an owner of the firm, or (c) holds a top superintendent, foreman or lead man position within the firm and are essential to the firms operations, such that the firm would suffer a financial loss if it is not able to employ that person. All key personnel positions must be approved in advance by the TERO.

The contractor or any subcontractors that fill vacant employment positions within its organization immediately prior to undertaking work pursuant to this contract shall set forth evidence acceptable to the TERO office that its actions were not intended to circumvent these requirements.

Key Personnel:

NAME	TITLE	YEARS OF EMPLOYMENT	TRIBAL AFFILIATION
1.	Owner		
2.	Supervisor		
3.	Superintendent		
4.	Foreman		
5.	Lead Man		

Non-Key Personnel request for clearance. These employees will only be granted clearance if TERO is unable to locate a qualified Indian employee to fill the position.

Non-Key Personnel:

NAME	TITLE	YEARS OF EMPLOYMENT
1.		
2.		
3.		
4.		
5.		

Labor Force Request to TERO

NOTE: The Indian Preference in Employment is expected to be 100%, if the TERO Office has qualified Indian Preference employees.



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OCCUPATION/CLASSIFICATION	QUANTITY	DATE NEEDED

TOTAL EMPLOYEES REQUESTED FROM TERO: _____



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Subcontractor's Request to TERO

NOTE: Indian Preference subcontract percentage shall be at 100%. (If the TERO Office has qualified Indian Preference Subcontractors, 100% is expected to be hired)

SUBCONTRACTOR:

Company: _____ Type of Work: _____

Total Bid: _____ Project Cost: _____

Company: _____ Type of Work: _____

Total Bid: _____ Project Cost: _____

Company: _____ Type of Work: _____

Total Bid: _____ Project Cost: _____

Company: _____ Type of Work: _____

Total Bid: _____ Project Cost: _____

Total Subcontract Dollars: \$ _____

Total Indian Preference Subcontractor Dollars: \$ _____

Total Indian Preference Subcontractor Percent Dollars: _____

The Tribal TERO Office provides and maintains a listing of Indian owned construction and contracting companies.



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Tribal Employment Rights Ordinance Employment Rights Fee

Employer: _____

Address: _____

Telephone Number: () _____

Muscogee (Creek) Nation Code Annotated Title 16 §9 Requires”

The TERO Office assesses or charges an Employment Rights Fee of one and a half percent (1.5%) on all Covered Contracts. A Covered Contract is defined §9-103.D. as any contract between any department or office of the Nation, including all commercial enterprises and independent agencies, and any Employer for goods or services in an amount exceeding \$5,000. This fee shall be paid in full before any work under a Covered Contract may commence, unless other arrangements for payment are made with the TERO Director in writing. Failure of an Employer to make the Employment Rights Fee payment by the required date may result in the assessment of the penalties listed in §9-130.A.

Lump sum payment: []

Employment Rights Fee Due:

Conditional Progress Payment:

Contract Amount: \$ _____

\$ _____

\$ _____

APPROVED: []

DENIED []

TERO Representative

Employer: _____

Signature: _____ Date: _____



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The foregoing Utilization Plan is fully acceptable on behalf of the TERO Office.

Vendor

Address

Phone Number

Dated this _____ day of _____ 20____

Vendor Signature

TERO Representative

MCN Department Overseeing Project